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# **Wisconsin Court System**



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# Wisconsin Court System

This paper is divided into five sections: (a) the history of the Wisconsin court system; (b) Supreme Court organization and current funding levels; (c) Court of Appeals organization and current funding levels; (d) circuit court organization and current funding levels; and (e) an outline of the legal process in Wisconsin.

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## History of the Wisconsin Court System

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The Wisconsin court system was established when Wisconsin became a state in 1848 by Article VII of the Wisconsin Constitution. The state was divided into five judicial districts, with five judges who were required to meet in Madison at least once a year as a Supreme Court. In 1853, a separate Supreme Court was created with three members (one elected as Chief Justice). Two more members were added in 1877. An amendment in 1889 required that all justices be elected with the longest serving member presiding as Chief Justice. In 1903, the Supreme Court was expanded to its current seven members.

At that time, the Wisconsin Constitution also required separate "probate courts" and allowed for the Legislature to establish inferior courts. As a result, county courts were created with various types of jurisdiction and overlapping authority. In addition, municipalities established police justice courts for enforcement of local ordinances.

In 1962, the court system was reorganized into a two-tiered trial system, with circuit courts and county courts. The state was divided into 26 judicial circuits of one or more counties and one or more judges. In addition, county courts were created with at least one judge in each county. County courts had exclusive jurisdiction in probate,

mental health, small claims, and juvenile proceedings.

Funding for the court system was provided from a combination of state and county appropriations. Supreme Court operations were fully funded by the state. The state paid for salaries and fringe benefits of circuit court judges and court reporters and travel expenses for judges on temporary assignment, while counties paid all other salaries and expenses. In addition, the state paid for the salary and fringe benefits of county judges; however, counties were required to reimburse the state for 50% of these costs. The state also paid annual supplements to counties for family court commissioners. State law authorized counties to pay county supplements to the statutory salaries of circuit and county judges and their court reporters. If supplements were authorized, they were the responsibility of the counties. Municipal courts were funded solely by local units of government.

In 1977, the Wisconsin Constitution was amended to eliminate the requirement of one probate court in each county, and the Legislature passed the "Court Reorganization Act" effective August 1, 1978, merging circuit and county courts into one trial court system. An intermediate level Court of Appeals was also created. The operations of the Court of Appeals were fully funded by the state. Authorization for municipal courts was retained for municipalities to adjudicate local ordinance violations, such as parking enforcement. Municipalities were responsible for any costs relating to those courts.

As a result of court reorganization, the 26 circuit courts were expanded to the current 69, and existing circuit and county judges became judges in the circuit in which their chambers were located (respective court reporters remained with the judge). A circuit court was established in each

county, except for three circuits which each contain two counties. All matters pending in county courts were transferred to the circuit court. The Act also phased out four existing judgeships and phased in 13 additional judgeships for a total of 190 circuit court judges in 1980. Sixty-seven judgeships have subsequently been created, bringing the total number of circuit court judges to 257 as of January, 2023.

Since August 1, 1978, the state has assumed the total cost of salaries and fringe benefits for circuit court judges and court reporters, and per diem payments and travel expenses for reserve judges and court reporters. Counties are responsible for other circuit court operational costs including salaries of clerks of court, court commissioners, courtroom security, clerical staff, office supplies, law libraries, jury costs, and other operating costs; however, the state provides payments to counties to offset some of these costs. State funding of circuit court operations is discussed in more detail in the Circuit Court section below. Operational costs of the Supreme Court and Court of Appeals remain with the state while the full cost of municipal courts has continued to remain with the municipalities that choose to operate a municipal court.

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### Supreme Court

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The Wisconsin Supreme Court is the highest court in the state. The Court has discretion over which cases to hear. Four or more justices must approve a petition for original jurisdiction in a case, and three or more justices are required to grant appellate jurisdiction to review a decision of a lower court.

The Supreme Court consists of seven justices elected, on a nonpartisan basis, to 10-year terms, commencing the August 1<sup>st</sup> succeeding the election. Only one justice may be elected in any

year. Any mid-term vacancies are filled with gubernatorial appointees until a regularly-scheduled election.

On April 15, 2015, by statewide referendum, the Wisconsin Constitution was amended by a vote of 433,533 to 384,503 to provide that the Chief Justice of the Supreme Court be elected to a two-year term by a majority of the justices. As of January 1, 2023, the annual salary of the Supreme Court Justices is \$184,819.

In 2022-23, the Supreme Court's budget totals approximately \$33.7 million (all funds) as shown in Table 1. Expenditures in 2021-22 totaled approximately \$37.9 million. The Supreme Court's general operations are funded through a sum sufficient, general purpose revenue (GPR) appropriation that includes salaries and fringe benefits for justices and court staff and operational costs. General fund expenditures are partially offset by filing fees, which generated revenue of \$32,900 in 2021-22.

**Table 1: 2022-23 Supreme Court Funding**

	Funding	Positions
General Operations	\$6,040,900	38.50
Director of State Courts and Law Library	23,863,600	160.85
Bar Examiners & Responsibility	<u>3,834,400</u>	<u>33.50</u>
Total	\$33,738,900	232.85

In addition to the general operations of the Supreme Court, the Court is charged with various other responsibilities, including providing administrative services to the entire state court system, regulating the practice of law in Wisconsin, and maintaining a state law library. These functions are also funded under the Supreme Court's budget. The Director of State Courts, who is appointed by the Supreme Court, is responsible for the overall management of the judicial system. Such responsibilities include personnel, budget development, judicial education, the circuit court information program, the council on offender employment,

interdistrict court assignments, and court planning and research. In addition, the state law library is budgeted under the Director of State Courts' general program operations. In 2022-23, the appropriation for the Director of State Courts Office and Law Library has authorized 160.85 positions and a budget of \$23.9 million, of which \$10.6 million is program revenue (PR) for the circuit court automation programs from various court fees.

Also included under the Supreme Court's budget is the Bar Examiners and Responsibility program, which includes the Board of Bar Examiners (BBE) and the Office of Lawyer Regulation (OLR). These entities are funded from: (a) annual assessments to Wisconsin State Bar members; (b) fees for the State Bar examination; (c) State Bar admittance, reinstatements and screening fees; and (d) assessments related to disciplinary actions. The Board and Office are responsible for supervising the practice of law in Wisconsin, protecting the public from professional misconduct by members of the bar, and implementing and enforcing rules for mandatory continuing legal education and the state bar examination. For 2022-23, BBE is budgeted \$716,600 PR and OLR is budgeted \$3,117,800 PR. Additional information on the Office of Lawyer Regulation can be found in the Legislative Fiscal Bureau's informational paper entitled, "Consumer Protection Programs."

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### Court of Appeals

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The Court of Appeals was created by a constitutional amendment on April 5, 1977. The Court of Appeals has supervisory authority over all actions and proceedings in all state courts, except the Supreme Court. Any final judgment or order made in the circuit courts may be appealed to the Court of Appeals as a matter of right.

The Court of Appeals has four appellate districts in the state (as shown in Appendix I) with

16 judges. Appellate judges are elected, on a non-partisan basis, for six-year terms beginning on August 1<sup>st</sup> following the spring election. As of January 1, 2023, the annual salary of the appellate judges is \$174,357.

The Supreme Court appoints a chief judge who serves a three-year term as the administrative head of the four appellate districts, and who selects a presiding judge in each of the districts. Judicial vacancies within the Court of Appeals are filled by gubernatorial appointment until a successor is elected. Table 2 shows the location of the chambers of each district and the number of judges assigned to that district.

The state pays all costs of the Court of Appeals. By statute, a Court of Appeals judge may hire a secretary and a law clerk. In total there are 75.5 positions funded under the Court of Appeals. As with the Supreme Court, the Court of Appeals' operations are funded through a sum sufficient GPR appropriation. In 2021-22, expenditures totaled \$11.4 million, which were partially offset by \$153,900 from filing fees for appeals cases. In 2022-23, the Court of Appeals has a budget of \$12,038,900.

**Table 2: Court of Appeals**

	Number of Judges
District I (Milwaukee)	4
District II (Waukesha)	4
District III (Wausau)	3
District IV (Madison)	5

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### Circuit Court Overview

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The circuit court is the trial court of general jurisdiction in Wisconsin, having original jurisdiction in civil and criminal cases, unless that jurisdiction is assigned to a higher court. The

Wisconsin Constitution specifies that there will be judicial circuits with judges elected within those circuits. As of January 1, 2023, there are a total of 69 circuits and 257 branches and judges. In general, each county is its own circuit, except for three, two-county circuits including Buffalo and Pepin, Menominee and Shawano, and Florence and Forest (as shown in Appendix II). The circuit court branches are divided into nine judicial districts with a chief judge for each district, appointed by the Supreme Court.

The number of court branches (judges) is statutorily determined. The Director of State Courts Office periodically requests the creation of additional court branches primarily based on: (a) a weighted caseload study; (b) district judicial need (the ability for neighboring circuits to cover additional workloads); (c) discussions with chief judges regarding problems handling current caseloads; and (d) the passage of a county board resolution in support of the creation of a new court branch. Appendix III shows the most recent weighted caseload study (2021) by county, and also includes a study summary, by district.

Under 2019 Act 184, 12 new circuit court branches may be added over a three-year period (four judges each in 2021, 2022, and 2023) and allocated by the Director of State Courts Office, bringing the total number of circuit court judges to 261 in 2023. The Director of State Courts selected Calumet, Dunn, Jackson, and Marathon counties to each receive one additional branch in 2021, Adams, Eau Claire, Vilas, and Waushara counties to each receive one additional branch in 2022, and Clark, Manitowoc, Sawyer, and Wood counties to each receive one additional branch in 2023.

Judges are elected on a nonpartisan basis to six-year terms at the spring election and take office the following August 1<sup>st</sup>. Any vacancies that occur mid-term are filled by the Governor until a successor is elected. As of January 1, 2023, the annual salary of circuit court judges is \$164,487.

In addition to the circuit judge, there are other staff that support circuit court operations, a number of which are described below.

*Reserve Judges.* Wisconsin statute 753.075 allows the Chief Justice of the Supreme Court to appoint a judge who has served a total of six or more years as a Supreme Court Justice, Court of Appeals judge, or a circuit court judge to serve as a reserve judge. A reserve judge may perform the same duties as other judges, or as specified by the Chief Justice. Reserve judges typically fill in for sitting judges who are absent, or for temporary vacancies, and are usually used for cases that do not require multiple days of hearings.

As of July, 2022, there were 194 former judges who were certified as reserve judges. Reserve judges are state funded, and currently receive \$536.69 per day for circuit court work and \$568.88 per day for appellate court work. Reserve judges' salaries are established at 90% of the daily salary of a judge, rather than at a statutorily-specified per diem. In 2021-22, per diem payments and travel reimbursements for reserve judges totaled \$458,300 GPR.

*Court Reporters.* Wisconsin statute 751.02 authorizes each judge to appoint a court reporter to record and transcribe testimony in court proceedings. Over the years, some additional court reporter positions have been approved to handle increased workloads. Currently, the state pays the salaries and fringe benefits of 305 court reporters. Salaries for court reporters in 2021-22 ranged from \$43,659 to \$80,350 annually. In addition, the state pays daily fees to private court reporters filling in for absent reporters on a temporary basis (\$224 per day for qualified (uncertified) reporters and \$246 per day for certified reporters).

*District Court Administrators.* Wisconsin Supreme Court Rule 70.16(4) defines a district court administrator as a state employee who is qualified to: (a) provide administrative and technical

assistance; and (b) assist the chief judge in carrying out his or her duties and responsibilities. The chief judge appoints a district court administrator from a list of candidates supplied by the Director of State Courts. The chief judge may reject a list and request one additional list of candidates. Each district (identified in Appendix II) has a district court administrator.

*Clerks of Circuit Court.* The Wisconsin Constitution provides that each county organized for judicial purposes shall have a clerk of the court who shall be an elected official and hold office for a four-year term. This is the only trial court officer required by the Constitution. The duties of a clerk of court may include keeping court papers, books, and records; collecting and sending payments to the county treasurer for the state and the county's portion of fines, forfeitures, fees, and surcharges; collecting and disbursing maintenance and support payments; performing duties with respect to jurors; and caring for the county law library, in addition to other duties required under law or in order to assist with court needs. Under state statute, counties with more than one circuit court branch may appoint one or more deputies for each branch. In counties with a population of more than 750,000, the clerk of court must appoint a chief deputy, four assistant chief deputy clerks, three calendar deputy clerks, and one or more deputy clerks, as the county board authorizes, to assist in criminal and ordinance matters. The county pays for the full cost of clerk of court positions.

*Circuit Court Commissioners.* Court commissioners are authorized to assist with certain judicial duties and are appointed by the chief judge of the district. The county board establishes the salaries and number of commissioners, with some exceptions depending on the population of the county. The positions are funded by the county.

All counties are required to appoint a circuit court commissioner to supervise the office of the family court commissioner. Counties may appoint one or more court commissioners on a part-time or

full-time basis to assist in juvenile matters. Any county having a population of 750,000 or more is required to appoint a court commissioner for the office of the probate court commissioner to assist in probate matters. Counties with a population of at least 100,000, but not more than 750,000, may establish a court commissioner position to supervise the office of the probate court commissioner. Any county having a population of 750,000 or more is required to appoint a full-time court commissioner to assist in small claims matters. Counties with a population of less than 750,000 may appoint a court commissioner to assist in small claims matters.

Each circuit court commissioner must be licensed to practice law in Wisconsin and must take an official oath in the office of the clerk of court. The court commissioner has authority delegated by a judge with the approval of the chief judge, which may include the following: (a) issuing summons, arrest warrants, or search warrants; (b) conducting initial appearances and setting bail; (c) conducting preliminary examinations and arraignments and accepting guilty pleas; (d) receiving non-contested forfeiture pleas, ordering revocation or suspension of operating privileges, imposing monetary penalties, and referring cases to court for enforcement of nonpayment; (e) conducting initial return appearances and conciliation conferences; (f) conducting non-contested probate proceedings; (g) conducting detention and shelter care hearings for children; (h) reviewing guardianships and protective placements; (i) officiating wedding ceremonies; (j) conducting paternity, divorce, and legal separation proceedings; and (k) other judicial duties depending on the needs of the court.

*Registers in Probate/Probate Register.* Wisconsin statute 851.71 requires the judges of each county to appoint a register in probate, subject to the approval of the chief judge. Registers in probate file and keep probate records (such as wills, trusts, and probate court records), certify court records, and perform other duties as prescribed by

the judge. In addition, registers in probate have the same powers as clerks of court to certify copies of papers and judicial proceedings, have the power to administer any oath required by law, may have the powers of deputy clerks when appointed for this purpose, and may make orders for hearings when the judge is absent or when given authority. The salary of the register in probate is set and paid by the county.

In addition, Wisconsin statute 865.065 requires the court to designate, by a written order, an official to act as probate registrar. The probate registrar is usually the register in probate, but may be the clerk, deputy clerk, deputy register in probate, or a court legal assistant designated by the court. Duties of the probate registrar include verifying applications for informal administration of properties; determining whether an individual died with or without a will and whether the original will is in possession of the court; determining whether the person nominated as personal representative is not disqualified or unsuitable; and determining that no demand for formal administration has been made and a will has not been probated elsewhere.

*Court Security Officers (Bailiffs).* Wisconsin statute 59.27 requires the sheriff of each county to provide a list of deputies for attendance at court when such list is requested by the court. The court may authorize additional bailiffs for security during criminal matters. The county board sets the rate of compensation and the level of service to be provided by the bailiffs in circuit court. In addition, the sheriff or a deputy is required to attend the Court of Appeals when it is in session. Compensation for bailiffs attending the Court of Appeals is funded by the state, through the Court of Appeals' general program operations appropriation, in the amount of the actual salary paid to the sheriff or deputy.

*Other Support Staff.* In addition to the positions listed above, there are a number of support staff

who assist in circuit court operations. Judges may have a law clerk or judicial assistant. In general, law clerks perform legal research and draft memoranda and decisions for the judge. Judicial assistants assist with case and calendar management, schedule court hearings, trials, conferences, and legal appointments; send notices to parties and attorneys; act as receptionists; and perform general clerical tasks. In some counties, such help is provided part-time, in others these duties may be accomplished by the existing court reporter, clerk of court staff, or the judge.

Cities of the first class (currently, only the City of Milwaukee) are allowed to create offices of municipal court commissioners. Municipal court commissioners are authorized to preside over certain criminal proceedings, including conducting certain initial appearances; receiving non-contested forfeiture pleas; ordering revocation or suspension of driving privileges; imposing forfeitures, community service, or restitution; and issuing warrants for nonappearance.

Expenditures for court support staff are primarily the responsibility of the county; however, the state pays the salary and fringe benefits of court reporters and provides payments to counties that may be used to offset costs of judicial assistants and other county court costs.

*Court Appointees.* Individuals may be appointed to participate in court proceedings in some function. Appointments may be made by the court, attorneys for the plaintiff or defendant, or may be required by statute on a case-by-case basis. Court appointees include witnesses and expert witnesses, guardians ad litem, jurors, and interpreters. Appointees are paid on a daily, hourly, or contractual basis. In some instances, the plaintiff or defendant is required to pay these costs, in other cases the county directly pays for these appointments. State funding is available to defray some of these costs.

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## Circuit Court Expenditures and Funding

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### State Expenditures

Circuit court operations have historically been funded through a combination of state and county funding. The state pays the costs of salaries and fringe benefits for circuit court judges and court reporters, and the per diem costs for reserve judges and court reporters. In addition, the state provides funding to the circuit courts under the Supreme Court's appropriations. The Director of State Courts Office performs certain administrative functions for circuit courts, including the Office of Court Operations and district court administrators. The Supreme Court also provides judicial education to circuit judges. In 2021-22, the state expended \$84.3 million on these circuit court costs.

While counties are responsible for other circuit court operational costs (including salaries of clerks of court, court commissioners, courtroom security, clerical staff, office supplies, law libraries, and jury costs), the state also provides payments to counties that may be used to offset some of these costs. These programs include: (a) circuit court support payments; (b) guardian ad litem (GAL) costs; and (c) court interpreter payments. Finally, the state provides automation services and equipment through the Consolidated Court Automation Programs (CCAP). In 2021-22, the state expended \$40.9 million on these programs, which are summarized below.

In total, the state expended approximately \$125.2 million on the circuit court system in fiscal year 2021-22, as identified in Table 3. Appendix IV identifies state expenditures for each county in 2021-22 (the amounts identified in the Appendix for the court support payments, guardian ad litem payments, and interpreter payments are for calendar year 2021).

*Circuit Court Costs Appropriation.* Under

**Table 3: State Expenditures on Circuit Courts, 2021-22**

Judges and Court Reporters	\$78,496,300
Director of State Courts (prorated)	1,277,900
Office of Court Operations	1,590,400
District Court Administrators	2,401,600
Judicial Education	541,400
CCAP	13,234,800
Court Support Payments	18,990,900
Guardian Ad Litem Payments	7,091,100
Interpreter Payments	<u>1,566,200</u>
Total	\$125,190,600

2015 Act 55, the circuit court support payments, guardian ad litem costs, and court interpreter payments were consolidated into one, biennial appropriation, titled the circuit court costs appropriation. The appropriation went into effect on July 1, 2016. Under the appropriation, the Director of State Courts makes payments to counties for circuit court costs. The Director of State Courts, at the direction of the Supreme Court, defines "circuit courts costs" for the purpose of making payments. Under 2021 Act 58 (the 2021-23 biennial budget act), funding for this appropriation was increased by \$438,700 GPR in 2021-22 and \$877,400 GPR in 2022-23. Total funding for the circuit court costs appropriation in 2022-23 is \$27,954,200 GPR.

Additionally, 2015 Act 55 repealed the statutory maximum hourly rates for interpreter reimbursement payments and transitioned the interpreter reimbursement program to a payment program. As a payment program, a portion of the circuit court support monies is distributed to counties based upon a formula that incorporates mileage, a base payment, a premium for certified interpreter use, and reported interpreter hours. As of July, 2022, the Director of State Courts Office has certified, or recognized through reciprocity with other states, a total of 164 interpreters, representing 21 languages.

*Consolidated Court Automation Programs.* The Consolidated Court Automation Programs was created in 1987-88 to provide uniform

software applications to counties, including circuit court case management, jury management, financial management, court calendaring, and training on the computer system. All 72 counties use the state CCAP system and receive hardware, software, technical support, and CCAP training from the state.

Operations for CCAP are supported through PR funding received from a variety of court-related fees, as follows:

- a. \$15 of the filing fee to commence civil actions or special proceedings (\$75-\$105, depending on the type of action);
- b. \$5 of the \$45 filing fee for third-party complaints in civil actions;
- c. \$5 of the fee to appeal or review a municipal court or administrative decision (\$40 or \$55, depending on whether a new trial is requested);
- d. \$5 of the \$20 fee to commence garnishment actions;
- e. \$11.80 of the \$22 filing fee to commence or change venue in small claims actions;
- f. \$10 of the \$53 fee for filing a counterclaim or cross complaint in small claims actions;
- g. \$5 of the \$25 fee in forfeiture actions, when judgment is entered against the defendant (with some exceptions);
- h. \$6 of the \$21.50 justice information systems surcharge, which is applied to above-referenced actions; and
- i. \$20 filing fee for use of the electronic filing system.

In 2021-22, revenue generated from the above fees totaled \$11,988,600 and CCAP expended \$13,234,800 PR. For 2022-23, CCAP has a base

budget of \$9,273,200 PR to install and maintain system hardware and software applications, replace obsolete hardware and software, train county staff, and provide ongoing cybersecurity and technical assistance for all components of the system. Included in the base funding is \$600,600 PR in 2022-23 and position authority for 7.0 CCAP positions approved by the Joint Committee on Finance to convert expiring project positions to permanent positions.

### **County Expenditures**

Each year counties report "judicial expenditures" to the Department of Revenue (DOR), which are described as expenditures involving the "circuit court, clerk of courts, probate court, family court commissioner, law library, public defenders for indigent defendants, coroner, etc." In calendar year 2021, counties reported expenditures totaling \$230.0 million. However, because there are an array of items that counties could list as judicial costs, the consistency of reports among counties is uneven. For instance, some counties report facility costs, such as renovation and construction, while others do not. Some counties may include the total operational cost of the courthouse, including other entities located on the premises (such as the district attorney's office and other local offices), while other counties only report the portion allocated for court operations. In addition, some costs that counties report, such as coroners, may be viewed as unrelated to court costs.

To address the issue of limited data on county judicial expenditures, statutory language was created to require counties to report "actual court costs" on all court functions, except costs related to courtroom security, rent, utilities, maintenance, remodeling, and construction. As reported by the Director of State Courts Office, counties spent \$206.7 million in calendar year 2021 on all court costs, of which \$165.6 million were allowable under the circuit court support payment program.

It should be noted that concerns regarding inconsistencies in reporting among counties led to 2007 legislation authorizing the Director of State Courts to create a uniform chart of accounts that counties must use for recording all financial transactions for court operations. In May, 2013, the Director of State Courts completed audits on all 72 counties and made a number of recommendations to improve the reporting of county financial information. For example, some counties did not include family court counseling in their court operation expenditures, and some counties reported the net amount of their revenues and expenditures, rather than reporting total revenues and expenditures separately. The Director of State Courts continues to do annual analytical reviews of information submitted by the counties to ensure consistent reporting.

### **Circuit Court Revenues**

Revenues generated by the circuit courts include amounts collected from fees, fines, forfeitures, and surcharges imposed by the court. Appendices V to VII provide a description of all the statutory fees, fines, forfeitures, and surcharges, and indicate whether amounts collected are either retained by the state or shared between the state and counties. Appendix VIII lists court fees that are wholly retained by the county. The appendices identify how the collected revenues are dispersed.

*Fines and Forfeitures.* Fines are levied in criminal actions while forfeitures are imposed in civil enforcement actions (such as most traffic violations). Fine and forfeiture amounts vary depending on the specific violation. Article X, Section 2, of the Wisconsin Constitution requires that the clear proceeds from fines and forfeitures collected by counties be deposited to the state's common school fund, for the support and maintenance of Wisconsin public schools and the "purchase of suitable libraries." Under s. 59.25(3)(j) & (m) of the statutes, the Legislature has authorized counties to retain, as an administrative fee, 10% of state fines and

forfeitures, except for the following: (a) 50% of motor vehicle forfeitures and fines (excluding state motor vehicle size, weight, and load forfeitures and fines, for which counties retain 10%); and (b) 50% of occupational driver's license fees. In 2021-22, the state received a total of \$10,382,200 from fines and forfeitures. Appendix V identifies the statutory provisions related to fines and forfeitures.

*Court Fees and Surcharges.* Fees are typically assessed at the initiation of an action, and revenues collected are retained by the county, sent to the state, or split between the county and the state, depending on the court fee involved. Examples of court fees include fees for the following: (a) to commence legal actions or appeals; (b) to file and docket judgments; (c) to file petitions or motions; and (d) to utilize mediation in family actions. Appendix VI identifies court fees and the corresponding statutory provisions.

In addition to court fees, the Legislature has created various surcharges on certain fines and forfeitures to generate additional revenue for state programs. The amounts of most surcharges are based on either percentages of the fine or forfeiture or a flat amount, depending on the surcharge. The first surcharge, created in 1977, was the penalty assessment, created primarily to provide funding for training the state's law enforcement officers. Since then, the number of surcharges and other court-ordered payments has steadily grown. Examples of surcharges include the justice information systems surcharge, crime victim and witness assistance surcharge, and drug offender diversion surcharge. Appendix VII provides a list of statutory surcharges and how the surcharge revenue is utilized.

The surcharge that generates the most revenue for the state is the court support services surcharge. While funding for the circuit court support costs is provided from the general fund, the court support services surcharge was created in 1993 to

offset the costs of these programs to the state. Revenue generated from the surcharge is deposited to the state's general fund and not directly appropriated to the courts. Under current law, the surcharge is: (a) \$51 for various small claims filings; (b) \$169 for various large claims filings; and (c) \$68 for forfeiture action judgments, appeals from municipal courts or administrative decisions, and certain court filings not covered under (a) or (b) above. In 2021-22, the court support services surcharge generated \$31,442,200 in revenue.

In addition to the court support services surcharge revenue, the state collected \$64,640,400 from other court fees and surcharges in 2021-22. Much of this revenue is designated for specific programs, such as law enforcement training, victim/witness assistance, drug abuse treatment, and domestic abuse. Appendix IX identifies the amount of revenue generated in 2021-22 from fines and forfeitures, court fees, the court support services surcharge, and other surcharges, by county.

Similar to county expenditures, there are inconsistencies with reporting of counties' share of circuit court revenue. Counties report separately to DOR and to the Director of State Courts Office. For 2021-22, counties reported to the Director of State Courts Office that their share of total circuit court revenue was \$29,541,500. For calendar year 2021, counties reported to the Department of Revenue that their share of circuit court revenue was \$111,141,377.

Much of the difference in reported revenues results from fees wholly retained by counties (such as copy and jury fees) which are not reported to the Director of State Courts, but may be included in the report to DOR. Also, differences may result from differing reporting periods (state fiscal year compared to calendar year data). In addition, counties report to the Courts on a monthly basis, whereas DOR expenditures are reported annually. Therefore, revenue that counties receive in one month may be attributed to actions completed in a

prior month, and may not be consistently captured in the monthly reports to the Director of State Courts. Further, data reported to the Courts are detailed by statutory cite; for example, the penalty surcharge and the weapons surcharge are recorded separately. Data are reported to DOR in three broader categories: (a) law and ordinance violations; (b) court fees and costs; and (c) probate fees. Finally, data reported to the Director of State Courts do not include the restitution fee, or the restitution administrative surcharge. Appendix X provides a county breakout of the data reported to the Courts.

### **Comparison of Circuit Court Revenues and Expenditures**

Based on the information reported to DOR, in calendar year 2021, counties spent \$230.0 million on circuit court operations and received \$111.1 million in court collected revenues. The difference of \$118.9 million is primarily funded through local taxes and unrestricted state aid payments, such as shared revenue. Counties received \$162.8 million in county and municipal and public utility aids in 2021 (\$122.6 million in county and municipal aid and \$40.2 million in public utility aid).

State expenditures are reported based on a fiscal year, beginning on July 1 of one year and ending on the following June 30, so that a direct comparison cannot be made between county calendar year and state fiscal year expenditures and revenues. The state spent \$125.2 million in 2021-22 for the circuit courts and, as reported to the Director of State Courts, received \$106.5 million in revenue from fines and forfeitures, court fees, and surcharges. Much of the revenue received by the state, while still offsetting total state costs, is earmarked for specific programs, such as schools, law enforcement training, victim/witness assistance, drug abuse treatment, and domestic abuse prevention.

While direct comparisons may be of limited value given the inconsistencies in reported data

and the differences between the calendar year and state fiscal year, Table 4 indicates that total circuit court operating expenditures exceeded revenue collected by circuit courts by approximately \$137.6 million. These expenditures are largely financed at the state level by revenue collected from general state taxes, and at the county level by local property taxes, state shared revenues and state-funded mandate relief, state-funded circuit court support and GAL payments, and interpreter payment programs.

**Table 4: Circuit Court Expenditures and Revenues at the State and County Levels (in Millions)**

	Fiscal Year 2021-22 State	Calendar Year 2021 County
Revenues	\$106.5	\$111.1
Expenditures	<u>125.2</u>	<u>230.0</u>
Expenditures Over Revenues	-\$18.7	-\$118.9

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### The Wisconsin Legal Process

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Both state and federal courts have jurisdiction over Wisconsin citizens. State courts generally only handle cases involving state laws; however, the federal government may give state courts jurisdiction over certain federal questions. The following is an outline of the state's civil and criminal court processes. It should be noted that this is a general overview and does not address the detailed specifics of each type of case (for example, certain civil procedures may vary for small claims or family matters). This overview does not include a description of juvenile court proceedings. Information on court proceedings in juvenile matters can be found in the Legislative Fiscal Bureau's informational paper entitled, "Juvenile Justice and Youth Aids Program."

### Civil Cases

Civil cases involve individual claims in which a person seeks a remedy for some alleged wrong done by another. In general, the complaining party (petitioner) may sue the offending party (respondent) for payment of damages suffered by the complaining party, if the complaining party suffered a wrong for which the law provides a remedy. The general process is outlined below:

- a. Petitioner files a summons and complaint with the circuit court.
- b. Respondent is served with copies and a summons directs the respondent to reply (answer) to the petitioner.
- c. Various pretrial proceedings occur including motions, pretrial conferences, discovery, and formal or informal negotiations between the parties.
- d. In most cases, a settlement is reached at this point, and court proceedings end. However, for the remainder of cases, trial preparations continue (although a settlement may still occur either before trial or during trial).
- e. Under state and federal law, trial by jury is guaranteed, but, if both parties consent, a trial may be conducted without a jury. For civil cases in Wisconsin state court, the jury consists of six persons, unless a greater number (not to exceed 12) is requested.
- f. Final judgment -- if a jury is present, five-sixths of the jurors must agree on the verdict. The court (judge) makes a judgment for the petitioner or the respondent based on the verdict. The petitioner must typically prove his or her case by a preponderance of the evidence (that is, jurors must be convinced that the petitioner's evidence is more persuasive, otherwise the verdict should be for the respondent).

g. Final judgment -- if a jury trial has been waived, the court makes a judgment for the petitioner or the respondent based on trial testimony and evidence. Either party may file for reconsideration of the circuit court's decision based on new information.

h. Court of Appeals -- a final judgment may be appealed to the State Court of Appeals. The court must accept the appeal. The appellate court may uphold or reverse, in whole or in part, the decision of the circuit court.

i. Supreme Court -- either party may petition for review by the State Supreme Court of a lower court's opinion. However, the Supreme Court has the authority to accept or refuse to hear the appeal. The Supreme Court is the court of final authority in Wisconsin, except for cases involving federal issues appealable to the U.S. Supreme Court.

## **Criminal Cases**

A criminal case involves an act prohibited by state law and punishable by fine or imprisonment, or both. Civil enforcement actions, such as most traffic violations, are distinguished from criminal actions in that a forfeiture (payment) may be imposed (much like a criminal fine), but imprisonment cannot be imposed (except under the court's contempt powers for failure to comply with a court order). There are two types of crimes: felonies and misdemeanors. A felony may be punishable by imprisonment in the state prisons. Misdemeanors include all criminal cases that are not felonies. In general, misdemeanors have maximum sentences of less than one year in a county jail, unless the statutes state otherwise (for example, some misdemeanors are punishable only by fines). The criminal process is outlined below.

a. The state brings an action against the defendant. Typically, the prosecutor files a criminal complaint in the circuit court stating the essential facts of the offense.

b. In the case of a felony, if the defendant has not been arrested at the time of the filing of the criminal complaint, the judge or court commissioner issues a warrant for arrest. Law enforcement officers must execute a warrant and make an arrest. A summons to appear is issued for a misdemeanor. A summons may be delivered through the mail.

c. The defendant may be taken into custody and appear before a judge or court commissioner, and informed of the charges and the right to be represented by a lawyer. If the defendant is found to be an eligible indigent, an attorney will be appointed by the State Public Defender. Bail may be set at this time (either a cash amount or a signature bond) to assure the defendant's appearance at future proceedings. If bail cannot be produced, the defendant is held in the county jail.

d. For a misdemeanor, the accused is asked to enter a plea, and a trial date, if necessary, is set. [Go to g.]

e. For a felony, the defendant has the right to a preliminary examination, which is a hearing in the circuit court to determine whether the state has probable cause to charge the individual. If probable cause is found or if the preliminary examination is waived, an arraignment is held.

f. At the arraignment, the defendant enters a plea of guilty, not guilty, no contest, or not guilty by reason of mental disease or defect. (Arraignments typically occur on the same date as the preliminary hearing).

g. Most criminal cases are decided before trial (typically by a plea of guilty, or no contest, but sometimes through a dismissal or other action). However, if a trial occurs, the case is heard in the circuit court in front of a judge and a jury of 12, unless both parties waive the right to a jury trial or there is an agreement between the parties for fewer jurors.

h. Jury trial -- the jury considers the evidence presented at the trial, determines the facts, and renders a verdict of guilty or not guilty. Jurors must be convinced of the defendant's guilt beyond a reasonable doubt. The verdict must be unanimous. If the jury cannot make an unanimous decision, it is referred to as a "hung" jury. The defendant may be retried by a new jury at the discretion of the district attorney.

i. No jury trial -- the judge makes the ruling of guilty beyond a reasonable doubt or not guilty.

j. A not-guilty judgment -- the defendant is cleared of alleged fault or guilt (acquitted) and cannot be tried again for the same offense ("double jeopardy").

k. If guilt is determined (either through a guilty plea or trial verdict), the court (judge) enters a judgment of conviction and determines the penalty (sentencing) for the crime within the stat-

utory range. A defendant may also plead no contest, which results in the same criminal consequences as a plea of guilty, but the plea cannot be used in civil litigation against the defendant. [See the Legislative Fiscal Bureau's informational paper entitled, "Felony Sentencing and Probation" for more information on sentencing.]

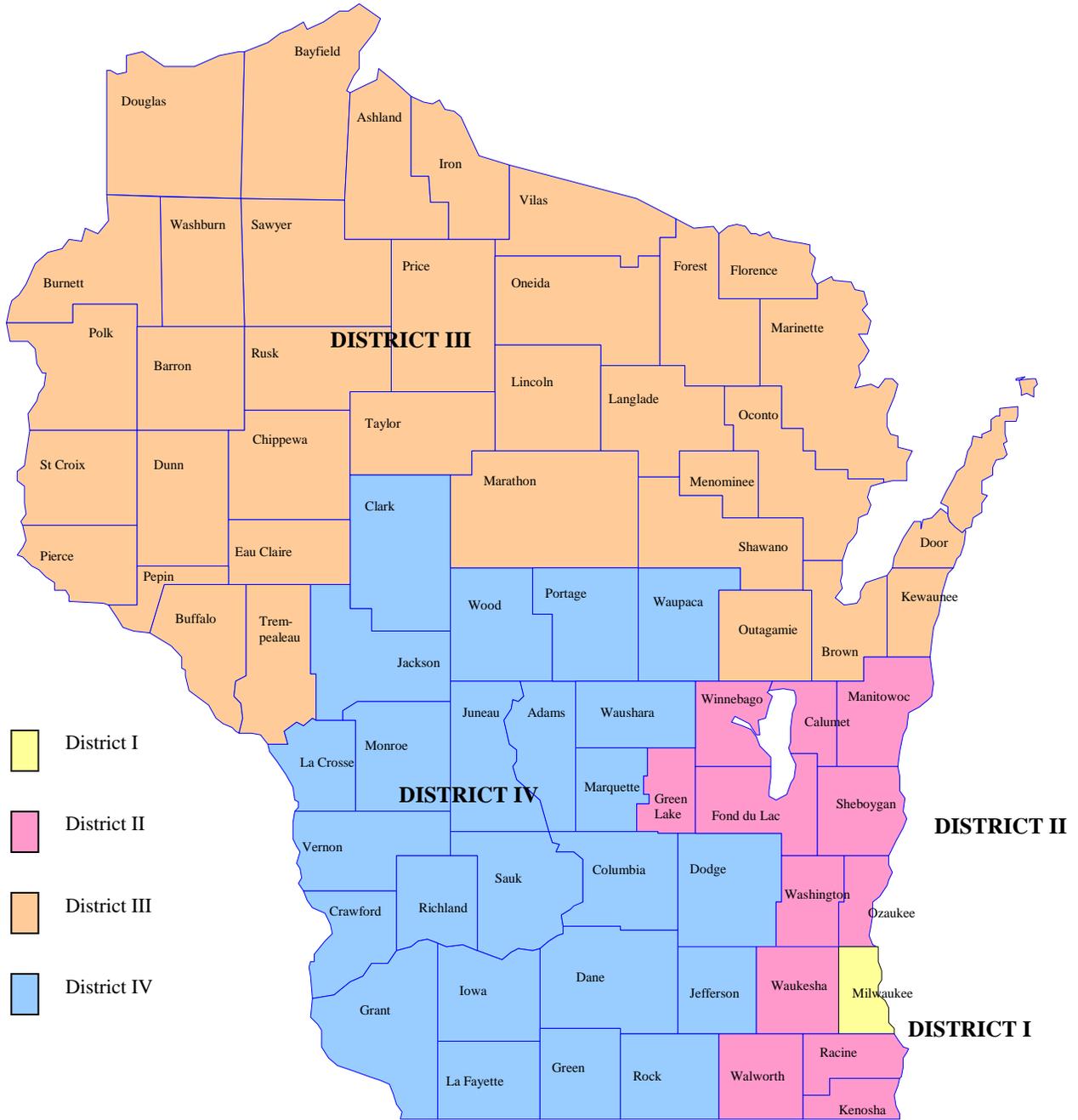
l. Court of Appeals -- a final judgment may be appealed to the State Court of Appeals. The Court must accept the appeal. The appellate court may uphold or reverse the decision of the circuit court.

m. Supreme Court -- either party may petition for review of a lower court's opinion by the State Supreme Court. However, the Supreme Court has the discretion to decide which cases it will hear. The Supreme Court is the court of final authority in Wisconsin, except for cases involving federal issues appealable to the U.S. Supreme Court.



# APPENDIX I

## Court of Appeals Districts





## APPENDIX III

### 2021 Circuit Court Caseload Study By County

County	Caseload Study of Judicial Officer Need	Current Number of Judges	Current Number of Court Commissioners (Estimated)	Judicial Officer Need
Adams	1.33	1	0.16	0.17
Ashland	1.40	1	0.22	0.18
Barron	3.08	3	0.12	-0.04
Bayfield	0.81	1	0.02	-0.21
Brown	13.13	8	4.00	1.13
Buffalo/Pepin	1.33	1	0.07	0.26
Burnett	1.56	1	0.18	0.38
Calumet	1.85	2	0.50	-0.65
Chippewa	4.29	3	0.33	0.96
Clark	1.33	1	0.04	0.29
Columbia	3.69	3	0.58	0.11
Crawford	0.77	1	0.05	-0.27
Dane	22.04	17	10.50	-5.46
Dodge	3.76	4	0.40	-0.64
Door	1.25	2	0.20	-0.95
Douglas	3.34	2	1.00	0.34
Dunn	3.00	3	0.16	-0.16
Eau Claire	8.43	5	1.07	2.36
Florence/Forest	1.23	1	0.21	0.02
Fond du Lac	5.84	5	1.02	-0.18
Grant	2.08	2	0.33	-0.24
Green	1.64	2	0.25	-0.61
Green Lake	1.16	1	0.08	0.08
Iowa	1.35	1	0.13	0.23
Iron	0.41	1	0.02	-0.61
Jackson	1.59	2	0.17	-0.58
Jefferson	4.10	4	2.00	-1.90
Juneau	2.12	2	0.50	-0.38
Kenosha	11.20	8	3.00	0.20
Kewaunee	0.72	1	0.18	-0.46
La Crosse	6.36	5	1.00	0.36
Lafayette	0.85	1	0.06	-0.21
Langlade	1.75	1	0.33	0.42
Lincoln	1.91	2	0.14	-0.23
Manitowoc	5.44	3	1.25	1.19
Marathon	8.20	6	1.05	1.15
Marinette	2.11	2	1.00	-0.89
Marquette	0.97	1	0.00	-0.03
Milwaukee	53.91	47	23.00	-16.09
Monroe	3.73	3	0.25	0.48
Oconto	1.70	2	0.50	-0.80
Oneida	2.40	2	0.29	0.11
Outagamie	8.83	7	3.50	-1.67
Ozaukee	3.19	3	1.00	-0.81
Pierce	1.91	1	1.02	-0.11

County	Caseload Study of Judicial Officer Need	Current Number of Judges	Current Number of Court Commissioners (Estimated)	Judicial Officer Need
Polk	2.97	2	0.75	0.22
Portage	3.58	3	0.86	-0.28
Price	0.78	1	0.01	-0.23
Racine	12.76	10	4.06	-1.29
Richland	0.99	1	0.14	-0.15
Rock	9.12	7	2.90	-0.78
Rusk	1.06	1	0.01	0.05
Sauk	4.28	3	1.00	0.28
Sawyer	1.85	1	0.12	0.73
Shawano/Menominee	2.94	2	0.34	0.60
Sheboygan	5.91	5	1.90	-0.99
St. Croix	5.05	4	0.80	0.25
Taylor	0.89	1	0.28	-0.39
Trempealeau	1.66	1	0.24	0.42
Vernon	1.14	1	0.02	0.12
Vilas	1.72	1	0.08	0.64
Walworth	4.99	4	1.90	-0.91
Washburn	1.13	1	0.01	0.12
Washington	4.94	4	1.37	-0.43
Waukesha	14.64	12	4.05	-1.41
Waupaca	2.81	3	0.06	-0.25
Waushara	1.70	1	0.25	0.45
Winnebago	7.95	6	3.00	-1.05
Wood	<u>4.77</u>	<u>3</u>	<u>0.15</u>	<u>1.62</u>
Total	312.69	253	86.16	-26.47

### 2021 Circuit Court District Study Summary

District*	Caseload Study of Judicial Officer Need**	Current Number of Judges	Current Number of Court Commissioners (Estimated)	Judicial Officer Need
District 1	54.91	47	23.00	-15.09
District 2	29.45	22	8.96	-1.50
District 3	31.14	27	8.82	-4.69
District 4	31.31	24	8.00	-0.70
District 5	42.13	33	15.29	-6.16
District 7	28.20	23	4.11	1.10
District 8	31.05	25	9.44	-3.39
District 9	30.65	23	3.74	3.91
District 10	<u>38.85</u>	<u>29</u>	<u>4.80</u>	<u>5.05</u>
Total	317.69	253	86.16	-21.47

\* In 2018, the former District 6 was dissolved and associated counties attached to other districts. The existing districts were not renumbered.  
\*\* A 0.5 Chief Judge adjustment is added to each district total, except Milwaukee (District 1), where a 1.0 adjustment is added.

**APPENDIX IV**

**State Expenditures on Circuit Courts,  
by County in 2021-22\***

County	Estimated Circuit Court Costs**	Circuit Court Support Payments	Guardian Ad Litem Cost Payments	Court Interpreter Payments	Total
Adams	\$385,500	\$52,300	\$31,500	\$5,500	\$474,800
Ashland	385,500	52,300	26,100	4,500	468,500
Barron	1,156,600	196,800	73,500	8,700	1,435,600
Bayfield	385,500	52,300	24,100	1,000	462,900
Brown	3,084,300	736,300	273,300	56,100	4,150,000
Buffalo	293,700	42,200	18,000	5,500	359,500
Burnett	385,500	52,300	27,200	1,000	466,100
Calumet	771,100	164,700	13,900	11,900	961,600
Chippewa	1,156,600	225,100	81,600	4,100	1,467,400
Clark	385,500	52,300	35,600	13,200	486,600
Columbia	1,156,600	212,700	89,500	17,300	1,476,100
Crawford	385,500	52,300	25,900	4,700	468,400
Dane	6,554,200	1,535,700	472,200	84,900	8,647,000
Dodge	1,542,200	304,400	118,600	30,800	1,996,000
Door	771,100	127,800	42,900	8,400	950,200
Douglas	771,100	151,100	69,900	2,000	994,000
Dunn	1,156,600	194,200	87,200	7,700	1,445,600
Eau Claire	1,927,700	367,700	159,000	17,700	2,472,000
Florence	79,800	18,800	6,200	200	105,000
Fond du Lac	1,927,700	368,300	148,600	36,700	2,481,300
Forest	305,700	43,500	19,400	900	369,500
Grant	771,100	163,600	62,900	7,000	1,004,500
Green	771,100	140,100	52,000	9,500	972,700
Green Lake	385,500	52,300	23,700	6,600	468,100
Iowa	385,500	52,300	31,800	6,000	475,600
Iron	385,500	52,300	18,400	1,000	457,300
Jackson	771,100	115,900	50,600	5,600	943,200
Jefferson	1,542,200	296,400	123,800	28,100	1,990,500
Juneau	771,100	125,500	55,400	4,200	956,200
Kenosha	3,084,300	594,600	235,600	149,900	4,064,400
Kewaunee	385,500	52,300	24,400	8,800	470,900
La Crosse	1,927,700	392,500	124,800	10,800	2,455,800
Lafayette	385,500	52,300	26,200	9,600	473,600
Langlade	385,500	52,300	25,400	5,500	468,700
Lincoln	771,100	127,800	41,200	5,700	945,800
Manitowoc	1,156,600	249,100	97,300	17,700	1,520,800
Marathon	2,313,300	460,000	150,900	38,800	2,962,900
Marinette	771,100	146,600	58,300	4,200	980,200
Marquette	385,500	52,300	27,400	3,400	468,600
Menominee	14,000	11,500	0	0	25,600

**APPENDIX IV (continued)**

**State Expenditures on Circuit Courts,  
by County in 2021-22\***

County	Estimated Circuit Court Costs**	Circuit Court Support Payments	Guardian Ad Litem Cost Payments	Court Interpreter Payments	Total
Milwaukee	\$18,120,500	\$3,406,300	\$1,314,300	\$397,400	\$23,238,600
Monroe	1,156,600	197,300	87,600	13,100	1,454,600
Oconto	771,100	143,000	51,500	9,700	975,200
Oneida	771,100	139,100	54,700	2,700	967,600
Outagamie	2,698,800	578,100	193,700	29,200	3,499,800
Ozaukee	1,156,600	263,100	72,000	7,100	1,498,900
Pepin	91,900	20,100	9,200	4,000	125,200
Pierce	385,500	52,300	37,800	5,900	481,500
Polk	771,100	151,600	52,600	6,500	981,900
Portage	1,156,600	234,600	78,300	11,900	1,481,500
Price	385,500	52,300	24,200	1,000	463,100
Racine	3,855,400	717,100	306,400	61,100	4,940,000
Richland	385,500	52,300	27,500	5,000	470,300
Rock	2,698,800	536,700	220,500	80,500	3,536,500
Rusk	385,500	52,300	22,300	4,600	464,700
Sauk	1,156,600	222,100	92,400	25,300	1,496,300
Sawyer	385,500	52,300	32,000	5,100	475,000
Shawano	757,100	145,800	47,500	7,200	957,500
Sheboygan	1,927,700	387,200	117,400	44,900	2,477,200
St. Croix	1,542,200	305,800	115,700	14,200	1,977,900
Taylor	385,500	52,300	23,600	6,100	467,500
Trempealeau	385,500	52,300	34,000	13,100	484,900
Vernon	385,500	52,300	21,200	5,400	464,400
Vilas	385,500	52,300	27,000	1,000	465,800
Walworth	1,542,200	325,600	112,100	48,700	2,028,500
Washburn	385,500	52,300	26,100	4,600	468,600
Washington	1,542,200	377,000	115,900	14,500	2,049,600
Waukesha	4,626,500	1,118,900	303,400	58,900	6,107,700
Waupaca	1,156,600	205,200	72,100	10,000	1,444,000
Waushara	385,500	52,300	36,800	7,800	482,400
Winnebago	2,313,300	509,000	196,200	11,000	3,029,400
Wood	<u>1,156,600</u>	<u>240,200</u>	<u>90,900</u>	<u>3,700</u>	<u>1,491,300</u>
<b>Total</b>	<b>\$97,542,400</b>	<b>\$18,990,900</b>	<b>\$7,091,100</b>	<b>\$1,566,200</b>	<b>\$125,190,600</b>

\*The estimated circuit court costs identified in the table are for fiscal year 2021-22, while the circuit court payments, guardian ad litem payments, and court interpreter payments are for calendar year 2021.

\*\*Estimated circuit court costs include costs associated with judges, court reporters, district court administrators, judicial education, Office of Court Operations, CCAP, and a portion of the Director of State Courts and Management Services offices. Statewide costs are prorated based on the number of branches.

## APPENDIX V

### Fines and Forfeitures

Name and Statutory Citation	How Applied	Fee Amount	State Share and Recipients	County Share
State fines and forfeitures for violations of any traffic, motor vehicle or driver's license regulations (s. 59.25(3)(j), chs. 341-347, 349 and 351))	Fines and forfeitures imposed by courts for violations of state laws regarding registration of vehicles, vehicle title and anti-theft law, operator's licenses, vehicles - financial responsibility, vehicles - civil and criminal liability, rules of the road, equipment of vehicles, vehicles - powers of state and local authorities, and habitual traffic offenders are deposited into the common school fund, and the remainder is retained by the county	As determined by the court and/or statutes	50% of the fine or forfeiture to the common school fund	50% of the fine or forfeiture retained by the county treasurer as fees for receiving and paying money into the state treasury
State forfeitures concerning vehicles - size, weight and load (s. 59.25(3)(j), (3)(k), and (3)(m), 348.11 and 348.21)	Fines and forfeitures collected from citations issued by the State Patrol or county law enforcement officers for violations of state law are deposited in the common school fund, state transportation fund, and the remainder is retained by the county	\$10 to not more than \$5,000, depending on the violation	90% of the fine or forfeiture (50% to the common school fund and 40% to the state transportation fund)	10% retained by county the where citation is issued
All other state fines and forfeitures (except those specifically listed above) (s. 59.25(3)(j))	Fines and forfeitures imposed by the courts for violations of state laws (except those laws listed above) are deposited to the county and the common school fund	As determined by the court and/or statutes	90% of the fine, forfeiture or penalty to the common school fund	10% of the fine or forfeiture to be retained by the county treasurer for fees in receiving and paying monies into the state treasury
Ordinance violation forfeitures concerning vehicles - size, weight and load (s. 59.25(3)(L) and 66.0114(3)(c))	Forfeitures imposed by courts for ordinance violations relating to vehicles - size, weight and load are deposited into the state transportation fund, and the remainder is retained by the municipality or county	\$10 to more than \$300, depending on the violation	100% in excess of \$150 per forfeiture to the state transportation fund provided the violation occurred on an interstate highway, a state trunk highway or a highway over which the local highway authority does not have primary maintenance responsibility	Up to \$150 per forfeiture retained by the municipality if the violation occurred on an interstate highway, a state trunk highway or a highway over which the local authority does not have primary maintenance responsibility. If the violation did not occur on one of the above mentioned highways, the municipality retains the entire amount of the forfeiture

## APPENDIX VI

### Court Fees

Name and Statutory Citation	How Applied	Fee Amount	State Share and Recipients	County Share
Commencement of civil action and special proceedings fee (non-family) (s. 814.61(1)(a) and (c)-(e))	To be paid by the filer at the commencement of all civil actions and special proceedings in circuit court except for paternity determination, interstate family support, certain forfeiture proceedings, termination of parental rights, adoption actions, certain commencement actions, actions to compel DNA submissions, and injunction and restraining orders	\$75	\$30 to the general fund and \$15 to Consolidated Court Automation Programs (CCAP)	\$30
Change of venue fee in civil action (s. 814.61(1)(a) and (2))	To be paid by the party that necessitated the change of venue	\$75, except that no fee may be charged if the court orders a discretionary change of venue under s. 801.52	\$30 to the general fund and \$15 to CCAP	\$30
Commencement of family action fee (s. 814.61(1)(b)-(e))	To be paid at the commencement of all family actions except for paternity determination, interstate family support, certain forfeiture proceedings, termination of parental rights, adoption actions, certain commitment actions, actions to compel DNA submissions, and injunction and restraining orders. In addition to the civil action filing fee, a \$20 family court counseling fee is assessed	\$95	\$30 to the general fund and \$15 to CCAP	\$50, \$20 of which is earmarked for family court counseling services
Change of venue fee in family action (s. 814.61(1)(b) and (2))	To be paid by the party that necessitated the change of venue	\$95, except that no fee may be charged if the court orders a discretionary change of venue under s. 801.52	\$30 to the general fund and \$15 to CCAP	\$50, \$20 of which is earmarked for family court counseling services
Commencement or change of venue fee in a family action, with request for support or maintenance (s. 814.61(1)(b), (2), (13), and (13m))	In addition to the \$95 family action commencement or change of venue fee, if a person not receiving benefits under W-2, medicare, medical assistance, or Badger-Care Plus files a petition requesting child support, maintenance or family support payments, an additional \$10 is charged, and if a person files a petition requesting guardianship of a child, an additional \$60 is charged	\$105, except that no fee may be charged if the court orders a discretionary change of venue under s. 801.52	\$30 to the general fund and \$15 to CCAP	\$60, \$20 of which is earmarked for family court counseling services and \$10 of which is earmarked for the cost of court services relating to child support, maintenance or family support payments

Name and Statutory Citation	How Applied	Fee Amount	State Share and Recipients	County Share
Revision of judgment or order in action affecting the family (s. 814.61(7)(a))	To be paid upon the filing of any petition or any motion, by either party, for the revision of a judgment or order in an action affecting the family (unless both parties have agreed to the revision), except for paternity actions	\$30	\$15 to the general fund	\$15
Revision of legal custody and physical placement order/moving the child's residence within or outside the state (s. 814.61(7)(b))	To be paid upon the filing of any petition, motion or order to show cause by either party under legal custody or physical placement, or moving the child's residence within or outside the state (unless both parties have agreed to the revision), except for paternity actions	\$50	\$12.50 to the general fund	\$12.50 for general county purposes and \$25 for family court counseling services
Fee for commencing a garnishment action (s. 814.62(1))	To be paid when a person commences a garnishment action, except garnishment actions seeking victim restitution (no fee)	\$20	\$7.50 to the general fund and \$5 to CCAP	\$7.50
Fee for commencing a small claims action (s. 814.62(3)(a) and (d)2.)	To be paid by the plaintiff at the time of issuance of a summons or other process in a proceeding not commenced by a summons	\$22	\$11.80 to CCAP	\$10.20
Change of venue fee in small claims action (s. 814.61(2) and 814.62(3)(a) and (d)2.)	To be paid by the party that necessitated the change of venue	\$22, except that no fee may be charged if the court orders a discretionary change of venue under s. 801.52	\$11.80 to CCAP	\$10.20
Fee for filing a counterclaim or cross complaint in small claims action (s. 814.62(3)(b) and (d)3.)	To be paid by the person filing the counterclaim or cross complaint	\$53	\$17.20 to the general fund and \$10 to CCAP	\$25.80
Third party complaint (s. 814.61(3))	To be paid by the defendant when the defendant files a third party complaint. The defendant shall pay only one such fee in an action	\$45	\$20 to the general fund and \$5 to CCAP	\$20
Fee in forfeiture actions (s. 814.63(1) and (5))	To be paid by the defendant when judgment is entered against the defendant, except for smoking, safety belt, financial responsibility, or special identification card violations	\$25	\$12.50 to the general fund and \$5 to CCAP	\$7.50
Fee for criminal actions (s. 814.60(1))	To be paid by the defendant when a judgment is entered against the defendant	\$163	\$153 to the general fund	\$10

Name and Statutory Citation	How Applied	Fee Amount	State Share and Recipients	County Share
Municipal court fee (s. 814.65(1))	To be paid by the defendant on each separate matter, including default of appearance, guilty or no contest pleas, issuance of warrants or summons, or if the action is tried as a contested matter. [Exceptions: for violations involving financial responsibility, special identification cards for physically disabled persons, or safety belt use]	\$15 to \$38, as determined by the municipal court	\$5 of the \$15 to \$38 fee to the general fund	None; municipality retains all but \$5
Appeal from municipal court or administrative decision, and appeal or review is by certiorari or on the record (s. 814.61(8)(am)1. and (c))	To be paid when a person wishes to appeal a decision from municipal court or on review of any administrative decision, and the appeal or review is by certiorari or on the record	\$40	\$17.50 to the general fund and \$5 to CCAP	\$17.50
Appeal from municipal court or administrative decision, and a new trial is authorized and requested (s. 814.61(8)(am)2. and (d))	To be paid by a person who wishes to appeal a decision from municipal court or on review of any administrative decision, and a new trial is authorized and requested	\$55	\$25 to the general fund and \$5 to CCAP	\$25
Fees of register in probate (s. 814.66)	The register in probate collects fees for the following: (a) filing a probate petition or for a certificate or judgment of descent of lands; (b) filing a petition for estates of deceased persons or filing a petition for guardianship of estate or application for conservatorship; (c) a certificate terminating a life estate or homestead; (d) filing an objection to probate of a will; (e) receiving a will for safekeeping; (f) each certificate issued by registers in probate or circuit court judges; (g) copies of records or papers in the custody and charge of registers in probate; (h) copies requested by the state public defender, other than transcripts; (i) filing claims against estates; (j) searching files or records when the requester does not furnish the case number; (k) receiving power of attorney for health care instrument or a declaration for safekeeping; (l) depositing money for a guardianship; and (m) withdrawing money that has been deposited for a guardianship	(a) \$20, if estate is \$10,000 or less, or 0.2% the value of the property, if estate is more than \$10,000; (b) \$20, if estate is \$50,000 or less, or 0.2% the value of the property, if more than \$50,000; (c) \$3; (d) \$20; (e) \$10; (f) \$3; (g) \$1; (h) a fee equal to the actual, necessary, and direct costs of copying; (i) \$3; (j) \$4; (k) \$8; (l) \$10 or 0.5% of deposit, whichever is greater; and (m) \$10	66.67% to the general fund	33.33%

<b>Name and Statutory Citation</b>	<b>How Applied</b>	<b>Fee Amount</b>	<b>State Share and Recipients</b>	<b>County Share</b>
Certificates of qualification for employment (s. 973.25(4)(a))	To be paid by a person who wishes to obtain a certificate of qualification for employment, which provides an offender with relief from most employment-related collateral sanctions	\$20 (although the fee may be waived based on ability to pay)	100% to circuit courts certificates of qualification for employment appropriation	None

## APPENDIX VII

### Court Surcharges and Payments

Name and Statutory Citation	How Applied	Fee Amount	State Share and Recipients	County Share
Court support services surcharge (s. 814.75(2), 814.77(1m), 814.78(2), 814.79(1), 814.80(2) and 814.85)	If filing a civil action, third party complaint, appeal from municipal court, small claims action, small claims counterclaim or cross complaint, forfeiture action, garnishment action, or wage earner action, a court support services surcharge also applies. [Exceptions: actions for safety belt use violations, special identification cards for physically disabled violations, or for an action for a financial responsibility violation of motor vehicle liability insurance]	\$169 for civil actions in which the amount claimed is greater than \$10,000, \$51 for civil actions in which the amount claimed is equal to or less than \$10,000, and \$68 for civil actions in which there is no money judgment requested	100% to the general fund	None
Penalty surcharge (s. 757.05, 814.75(18), 814.76(14), 814.77(11), 814.78(10), 814.79(7), 814.80(9) and 814.81(9))	Surcharge on fines or forfeitures imposed by courts for violations of state laws or municipal or county ordinances. [Exceptions: for violations involving smoking in restricted areas, failing to properly designate smoking or nonsmoking areas, for an action for a financial responsibility violation of motor vehicle liability insurance, nonmoving traffic violations, special identification cards for physically disabled violations or safety belt use]	26% of the fine or forfeiture	100% to various state agencies (to the Department of Justice (DOJ) for the Law Enforcement Training Fund and the remainder to fund justice-related automation systems, victim-witness services, correctional officer and public defender training, AODA programs within the Department of Public Instruction, and to provide match money for federal anti-drug enforcement programs)	None
Justice information system surcharge (s. 814.75(15), 814.76(8), 814.77(8), 814.78(9), 814.79(6), and 814.86(1))	If filing for civil, small claims, forfeiture, wage earner, or garnishment actions, or for an appeal from municipal court, third party complaint in a civil action, or for filing a counterclaim or cross complaint in a small claims action, a justice information surcharge also applies. [Exceptions: actions for safety belt use violations, special identification cards for physically disabled violations, or an action for a financial responsibility violation of motor vehicle issuance]	\$21.50	\$15.50 to the Department of Administration (DOA) for justice system programs, and \$6 to CCAP	None

Name and Statutory Citation	How Applied	Fee Amount	State Share and Recipients	County Share
Special prosecution clerks surcharge (Milwaukee County only) (s. 814.75(22), 814.76(10), 814.77(13), 814.78(1), 814.79(9) and 814.86(1m))	Whenever the clerk of circuit court for Milwaukee County charges and collects the justice information surcharge, he or she must also collect a special prosecution clerks surcharge	\$3.50	100% to fund clerks in the Milwaukee County District Attorneys Office	None
Crime lab and drug law enforcement (s. 165.755, 814.75(3), 814.76(2), 814.77(2), 814.78(3), 814.79(2), 814.80(3) and 814.81(3))	If a court imposes a sentence, places a person on probation or imposes a forfeiture for a violation of state law or municipal or county ordinance (except for violations involving smoking in restricted areas, failing to properly designate smoking or nonsmoking areas, nonmoving traffic violations or safety belt use, or an action for a financial responsibility violation of motor vehicle issuance) the court must also impose a crime laboratories and drug law enforcement surcharge for each offense	\$13	100% to DOJ to help fund drug law enforcement, crime laboratories, and DNA database activities	None
Crime victim and witness assistance surcharge (s. 814.75(5), 814.76(4), 814.77(3m), 814.78(4m), 814.79(3m), 814.80(4m) and 973.045)	If a court imposes a sentence or places a person on probation, the court must also impose a crime victim and witness assistance surcharge	\$67 for each misdemeanor offense and \$92 for each felony offense	100% to DOJ to help fund county victim and witness assistance programs, general services	None
DNA analysis surcharge (s. 814.75(7), 814.76(5) and 973.046(1r))	If a court imposes a sentence or places a person on probation, or if a person on supervision in another state moves to Wisconsin and will be under DOC supervision, the court must also impose a DNA surcharge	\$200 for each misdemeanor offense and \$250 for each felony offense	100% to DOJ to help fund drug law enforcement, crime laboratories, and DNA database activities	None
Drug abuse program improvement surcharge (s. 814.75(10), 814.76(8) and 961.41(5))	When a court imposes a fine for a violation concerning the possession with intent to manufacture or the manufacture, distribution or delivery of controlled substances, the court must also impose a drug abuse program improvement surcharge	75% of the fine and penalty assessment imposed	100% of the first \$850,000 plus two-thirds of all moneys in excess of \$1,275,000 to the Department of Health Services alcohol and drug abuse initiatives. The remainder to DOJ to provide grants for substance abuse treatment programs for criminal offenders	None
Drug offender diversion surcharge (s. 814.75(11), 814.76(9), and 973.043)	If a court imposes a sentence or places a person on probation for a violation of Chapter 943 (Crimes against Property), the court must also impose a drug offender diversion surcharge for each conviction	\$10	100% to an appropriation under DOJ to provide grants to counties for alternatives to incarceration	None

Name and Statutory Citation	How Applied	Fee Amount	State Share and Recipients	County Share
Domestic abuse surcharge in criminal and forfeiture actions (s. 814.75(8), 814.76(6), 814.80(6), 814.81(6), 971.37(1m)(c)1. and 973.055)	The domestic abuse surcharge applies only in those cases in which the defendant's conduct was directed against a spouse or former spouse, against an adult with whom the defendant resides or formerly resided, or against an adult with whom the defendant has created a child, or if the court convicts the defendant for knowingly violated a temporary restraining order or injunction. If a court imposes a sentence on an adult person or places an adult person on probation for violating certain crimes against life and bodily security, crimes against public health and safety, crimes against property, bail jumping, or crimes against public peace, order and other interests, regardless of whether any fine is imposed, the court must also impose a domestic abuse surcharge for each offense (unless the court determines the assessment would have a negative impact on the offender's family)	\$100 for each offense	100% to the Department of Children and Families for domestic abuse grants	None
Child pornography surcharge (s. 814.75(1j), 814.76(1j), and 973.042)	If a court imposes a sentence or places a person on probation for either sexual exploitation of a child or possession of child pornography, the court must impose a child pornography surcharge on each image associated with the crime	\$500 for each image	100% to DOJ to investigate certain sexual offense and provide grants to nonprofit organizations providing services to victims of sexual assault	None
Global positioning system tracking surcharge (s. 814.75(8m), 971.37(1m)(c)1. and 973.057)	If a court convicts a person for violating a domestic abuse or harassment restraining order or injunction, the court must impose a global positioning system tracking surcharge	\$200 for each offense	100% to the Department of Corrections (DOC) for expenditures under the global positioning system tracking program	None
Weapons surcharge (s. 167.31(5), 814.75(25), 814.76(18) and 814.77(14))	If a court imposes a fine or forfeiture for violating laws concerning safe use and transportation of firearms and bows, the court must also impose a weapons surcharge	75% of the amount of fine or forfeiture (which can be up to \$1,000)	100% to DNR for law enforcement operations	None
Restitution surcharge (s. 814.75(20), 814.76(15) and 973.20(11)(a))	Restitution surcharge in a criminal action if an offender is sentenced to prison or placed on probation	5% of the total amount of any restitution, costs, attorney fees and any fines and related payments ordered under s. 973.05(1)	100% to DOC for administrative expenses	None

Name and Statutory Citation	How Applied	Fee Amount	State Share and Recipients	County Share
Juvenile delinquency victim and witness assistance surcharge (s. 814.75(6), 814.77(4), 814.78(5), 814.79(4), 814.80(5)) and 938.34(8d))	For a juvenile adjudged delinquent, the court must impose a delinquency victim and witness assistance surcharge	\$20	100% to fund crime victim and witness services	None
Reimbursement of legal fees for state-provided counsel in juvenile actions - delinquency, JIPS or CHIPS (s. 48.275(2) and 938.275(2))	If the state or county provides legal counsel to a child or an expectant mother in CHIPS proceedings, or to juveniles in delinquency or JIPS proceedings, the court must also order the non-indigent parent to reimburse the state or county for the representation, unless the parent is the complaining or petitioning party or if the court finds that the interests of the parent and the interests of the child in the proceeding are substantially and directly adverse and that reimbursement would be unfair to the parent	As determined by the court	75% to the state when state counsel is provided for JIPS and delinquency proceedings regardless of county size (money credited to SPD private bar and investigator reimbursement appropriation). 75% to the state when state counsel is provided for CHIPS proceedings in counties with a population less than 750,000 (money credited to SPD private bar and investigator reimbursement appropriation). 100% to the state when state counsel is provided for CHIPS proceedings in counties having a population equal to or greater than 750,000 (25% credited to Milwaukee child welfare services and 75% credited to SPD private bar and investigator reimbursement appropriation)	25% to the county when state counsel is provided in CHIPS proceedings in counties with a population of less than 750,000. 25% to the county when state counsel is provided in JIPS and delinquency proceedings (regardless of county population)
Consumer protection surcharge (s. 100.261(1) and (3)(c), 814.75(1m), 814.76(1m), 814.78(1), 814.80(1) and 814.81(1))	If a court imposes a fine or forfeiture for violations of Chapter 98 (weights and measures), the court must also impose a consumer protection surcharge	25% of the total amount of the fine or forfeiture	100% of the first \$185,000 annually to the Department of Agriculture, Trade and Consumer Protection (DATCP) for consumer protection information and education. The remainder is deposited to the general fund	None
Bisphenol A surcharge (s. 100.335(7) and 814.75(1d))	If a court imposes a fine or forfeiture for violations of laws related to child's containers containing bisphenol A, the court must also impose a bisphenol A surcharge	50% of the amount of a fine or forfeiture (which can range from \$50 to \$10,000)	100% to the DATCP for enforcement and administration of the laws relating to child's containers containing bisphenol A	None
Supplemental food enforcement surcharge (s. 253.06(4)(c), 814.75(22m), 814.76(15m) and 814.80(11))	If a court imposes a fine, forfeiture or recoupment for violating laws or rules concerning the Women Infants and Children (WIC) program, the court must also impose a supplemental food enforcement surcharge	50% of the total fine, forfeiture or recoupment amounts imposed	100% to finance fraud reduction in the WIC program	None

Name and Statutory Citation	How Applied	Fee Amount	State Share and Recipients	County Share
Uninsured employer surcharge (s. 102.85(4), 814.75(24) and 814.76(17))	If a court imposes a fine or forfeiture for employer insurance or worker's compensation violations, the court must also impose an uninsured employer surcharge	75% of the amount of fine or forfeiture (which can range from \$10 to \$10,000)	100% to the state uninsured employers fund (which pays the claims of employees of uninsured employers)	None
Work injury supplemental benefit fund surcharge (s. 102.35(1) and 814.75(24m))	If an employer or insurance company fails to keep required records or make required reports, or falsifies such records or reports, the court must impose a work injury supplemental benefit surcharge	Not less than \$10 nor more than \$100 for each offense	100% to the work injury supplemental benefit fund (which pays for the discharge of liabilities and retention of services)	None
Driver improvement surcharge (s. 346.655, 814.75(9), 814.76(7), 814.78(7) and 814.79(4m))	If a court imposes a fine or forfeiture for certain violations relating to operating while intoxicated, it shall also impose a driver improvement surcharge	\$435	49.7% for activities related to alcohol abuse, OWI enforcement and crime victim compensation services	50.3% for community mental health, developmental disabilities, alcoholism and drug abuse services
Truck driver education surcharge (s. 349.04, 814.75(23), 814.76(16), 814.78(12) and 814.79(10))	If a court imposes a fine or forfeiture for violating laws concerning rules of the road, equipment of vehicles, or vehicles – size, weight and load, the court must impose a truck driver education surcharge	\$8	100% to the state for truck driver training grants to Chippewa Valley Technical College, Fox Valley Technical College, and Waukesha County Technical College	None
Occupational driver's license fee (habitual traffic offender) (s. 351.07(1g))	Persons considered habitual traffic offenders that file a petition for an occupational license must pay a fee	\$40	50% to the transportation fund	50% to be retained by the county
Safe ride program surcharge (s. 85.55, 346.657, 814.75(9g), 814.76(7g), 814.78(7g), and 814.79(4p))	If a court imposes a fine or forfeiture for certain violations relating to operating while intoxicated, it must also impose a safe ride program surcharge	\$50	100% to the Department of Transportation for the safe-ride grant program	None
Railroad crossing improvement surcharge (s. 346.177, 346.495, 346.65(4r), 814.75(19) and 814.79(8))	Whenever a court imposes a forfeiture for certain violations concerning driving or stopping on railroad crossings, the court must also impose a railroad crossing improvement surcharge, unless the individual is a personal delivery device operator	50% of the amount of the forfeiture, which may be up to \$1,000	100% to the Department of Transportation for railroad crossing protection, installation, and maintenance	None
Snowmobile registration restitution (s. 350.115, 814.75(21) and 814.77(12))	If a court imposes a forfeiture for a snowmobile violation in which a registration fee is required, the court must also impose a snowmobile registration restitution surcharge	Equal to the amount of the fee that was required and should have been obtained	100% to the snowmobile account of the state conservation fund, which funds such things as snowmobile trail and project aids and county snowmobile enforcement aids	None

Name and Statutory Citation	How Applied	Fee Amount	State Share and Recipients	County Share
Environmental surcharge (s. 299.93, 814.75(12), 814.76(10) and 814.77(5))	If a court imposes a fine or forfeiture for a violation of laws concerning pure drinking water, water and sewage, pollution discharge elimination, air pollution, solid waste facilities, hazardous waste management, remedial action, metallic mining, nonmetallic mining, reclamation or oil and gas exploration and production, or other general environmental provisions, the court must also impose an environmental surcharge	10% of the amount of the fine or forfeiture if the violation was committed before July 1, 2009; 20% of the amount of fine or forfeiture if the violation was committed on or after July 1, 2009	100% to the environmental management account of the state environmental fund, which funds contaminated land cleanup and administration, the Brownfields grant program, groundwater standards development and implementation, and environmental education grants	None
Natural Resources surcharge (s. 29.987, 169.46(1), 814.75(16), 814.76(12) and 814.77(9))	If a court imposes a fine, forfeiture or order for violating laws concerning wild animals and plants, the court is also required to impose a natural resources surcharge	75% of the fine or forfeiture amount	100% to the conservation fund, which funds such things as fish and game management, law enforcement and licensing	None
Natural Resources restitution surcharge (s. 29.989, 169.46(2), 814.75(17), 814.76(13) and 814.77(10))	If court imposes a fine or forfeiture or an order for violating laws concerning wild animals and plants, the court is also required to impose a natural resources restitution surcharge (when a restitution surcharge is required)	Equal to the amount of the statutory fee for the approval which was required and should have been obtained	100% to the conservation fund	None
Wild animal protection surcharge (s. 29.983, 814.75(26), 814.76(19) and 814.77(15))	If a court imposes a fine or forfeiture for violating laws concerning wild animals and plants or issues an order regarding the unlawful killing, wounding, catching, taking, trapping or possession of a wild animal, the court may impose a wild animal protection surcharge	\$8.75 to \$2,000, depending on the type of animal	100% to the conservation fund	None
Wildlife violator compact surcharge (s. 29.99, 814.75(27), 814.76(20), and 814.77(16))	If a court imposes a fine or forfeiture for a violation under Chapter 29 (Wild Animals and Plants), the court must also impose a wildlife violator compact surcharge	\$5	100% to the conservation fund	None

Name and Statutory Citation	How Applied	Fee Amount	State Share and Recipients	County Share
Commercial fish protection surcharge (s. 29.984, 814.75(1g), 814.76(1g), and 814.77(1g))	If a court imposes a fine or forfeiture for the unlawful killing, catching, taking, transporting, sale, or possession of Great Lakes fish or fish in outlying waters, or for failing to comply with any statutory record-keeping requirements, the court may impose a commercial fish protection surcharge	(a) For any commercial fish, except as provided in (c), an amount equal to the average wholesale value of the fish on the date of the violation; (b) For salmon, trout or noncommercial game fish, except as provided in (c): (i) \$43.75 for muskellunge or lake sturgeon; (ii) \$26.25 for largemouth or smallmouth bass, or brook, rainbow, brown or steel head trout; (iii) \$8.75 for walleye pike, northern pike or any other unmentioned game fish; (c) If the value of the fish exceeds \$300, an amount equal to three times the average wholesale value of the fish	100% to the conservation fund	None
Great Lakes resource surcharge (s. 29.9905, 814.75(13m), 814.76(10m) and 814.77(6m))	If a court imposes a fine or forfeiture for a violation of wholesale fish deal license involving Great Lakes fish, or a violation of outlying water sport trolling licenses or commercial fishing in outlying waters, the court must also impose a Great Lakes resource surcharge	75% of the fine or forfeiture	100% to the conservation fund for research of Great Lakes fish	None
Fishing net removal surcharge (s. 29.991, 814.75(12n), and 814.77(5m))	If a court imposes a forfeiture for failure to reimburse the Department of Natural Resources for costs associated with the seizure of a net or similar fishing device, the court must impose a fishing net removal surcharge	Equal to the sum of seizure costs, plus an amount equal to 75% of the forfeiture amount	100% to the conservation fund	None
Fishing shelter removal surcharge (s. 29.985, 814.75(13) and 814.77(6))	If a court imposes a forfeiture (up to \$100) on a person that fails to reimburse the DNR for the costs associated with the seizure and destruction or sale of an ice fishing shanty that is considered a public nuisance, the court must also impose a fishing shelter removal surcharge	Equal to the costs that the fishing shelter owner should have reimbursed the DNR	100% to the conservation fund	None

## APPENDIX VIII

### Wholly Retained County or Municipal Fees Collected by the Clerk of Circuit Court

Statutory Section	Type of Fee	Amount of Fee	Special Handling
778.105	Forfeitures for violation of municipal or county ordinances	As determined by the court and/or statutes	Revenues from forfeitures imposed by any court for the violation of any municipal or county ordinance shall be paid to the municipality or county, unless otherwise specified
302.46(1), 814.75(14), 814.76(11), 814.77(7), 814.78(8), 814.79(5), 814.80(7) and 814.81(7)	Jail surcharge in criminal and forfeiture actions. If a court imposes a fine or forfeiture for state law or municipal or county ordinance violations (except for violations involving smoking in restricted areas, failing to properly designate smoking or nonsmoking areas, actions for financial responsibility violation of motor vehicle liability insurance, nonmoving traffic violations or safety belt use) the court must also impose a jail surcharge on each fine or forfeiture	The greater of 1% of the fine or forfeiture or \$10	Counties may use these revenues for construction, remodeling, repair or improvements of county jails, and for costs related to providing educational and medical services to inmates from county jails
814.75(8r), 814.76(4m), and 973.0455	Crime prevention funding board surcharge. If a court in a county that has established a crime prevention funding board imposes a sentence or places a person on probation, the court must impose a crime prevention funding board surcharge	\$20 for each misdemeanor or felony offense	100% into a crime prevention funding board's crime prevention fund
814.61(4)	Jury fee, for all civil actions except garnishment	\$6 per juror paid by the party demanding the trial	Non-refundable. If jury fee is not paid, no jury will be called
814.61(5)	Judgments, writs, executions, liens, warrants, awards, certificates, commissions to take depositions, and transcripts	\$5	Does not apply to a judgement rendered in municipal court
806.24 and 814.61(6)	Foreign judgments filing fee	\$15	Filing under Uniform Enforcement of Foreign Judgments Act

Statutory Section	Type of Fee	Amount of Fee	Special Handling
814.61(9)	Certifying and transmitting documents	\$15 plus postage	
814.61(10)	Copies, except for the State Public Defender (which is charged the actual costs)	\$1.25 per page	
814.61(11)	File or record searches	\$5	
814.61(12)(a)	Receiving and disbursing money - trust funds and small estates	\$10 or 0.5% of amount deposited (whichever is greater), and an additional \$10 upon each withdrawal of any or all of the money deposited with the clerk	If funds are deposited by court order or by law, the type of account shall be in the clerk's discretion unless the court order specifies differently
814.61(12)(c)	Receiving and disbursing deposits in contempt proceedings	\$10 per deposit	For receiving and disbursing deposits made under s. 818.12 in contempt proceedings under chapter 785. The \$10 fee shall be deducted from the deposit, unless the entire deposit is ordered returned to the defendant, before applying the deposit to the satisfaction of a judgment under s. 818.14
814.61(14)	Occupational driver's license fees (petitions under s. 343.10(4))	\$40	
767.405(5), 814.615(1)(a)2. and (2)	Family mediation sessions (except the first mediation session upon referral for which there is no fee)	\$200 (single fee regardless of the number of mediation sessions held)	The county treasurer deposits collected fees in a separate account for the exclusive purpose of providing family court mediation services and studies. In lieu of \$200, counties can establish a fee schedule to recover their reasonable costs. Counties must reduce fees based on parties' ability to pay
767.405(14), 814.615(1)(a)3. and (2)	Legal custody and physical placement study	\$300	The county treasurer deposits collected fees in a separate account for the exclusive purpose of providing family court mediation services and studies. In lieu of \$300, counties can establish a fee schedule to recover their reasonable costs. Counties must reduce fees based on parties' ability to pay
814.62(2)	Fee for commencing a wage earner amortization proceeding	\$10	The clerk of court collects the fee from the wage earner voluntarily commencing a proceeding for amortization of debts
343.301(5), 814.75(9m), 814.76(7m), 814.78(7m) and 814.79(4r)	Ignition interlock surcharge. If a court orders the installation of an ignition interlock device, the court must also impose an ignition interlock surcharge	\$50	Payable to the county treasurer for use by the county

Statutory Section	Type of Fee	Amount of Fee	Special Handling
814.62(3)(e)	Demand for a jury trial in a small claims action	\$53	The party demanding the jury trial shall pay a fee equal to the difference between the civil filing fee and the small claims filing fee in addition to the 6-person jury fee (\$6 per juror)
814.62(4)	Small claims service of summons by mail  Small claims service of summons by certified mail return receipt	\$2 for each defendant  \$2 for each defendant plus cost of certified mail	Cost of certified mail may be rounded up to the nearest dollar
814.63(2)	Non-refundable fee for forfeiture action in circuit court for violation of a municipal ordinance (except for violations involving financial responsibility, special identification cards, safety belt use, or for a first time operating under the influence of an intoxicant violation, where the case was transferred)	\$5	Upon disposition of a forfeiture action in circuit court, the municipality shall pay a non-refundable fee to the clerk of court
814.65(4m)	To be paid when a person has his or her blood withdrawn if the person violated certain local ordinances and is required to appear in municipal court	Reasonable costs charged or paid by a law enforcement agency for the blood withdrawal	To the law enforcement agency that requested the blood withdrawal
346.65(2g)(b)	Fee to offset cost of providing community service work that demonstrates the adverse effects of substance abuse or operating a vehicle under the influence of an intoxicant or other drug	Reasonable fee, based on the person's ability to pay	
346.65(2g)(c)	Fee to offset cost of providing community service work that benefits children or that demonstrates the adverse effects on children of substance abuse or of operating a vehicle while under the influence of an intoxicant or other drug	Reasonable fee, based on the person's ability to pay	

Statutory Section	Type of Fee	Amount of Fee	Special Handling
346.65(2i)	Fee to offset cost of providing site visits that demonstrate the adverse effects of substance abuse or of operating a vehicle under the influence of an intoxicant or other drug	Reasonable fee, based on the person's ability to pay	
973.06(1)(g)	Restitution fee	10% of any restitution ordered	Payable to the county treasurer for use by the county
973.20(11)(a)	Restitution administrative surcharge in a criminal action if offender is not placed on probation or sentenced to prison	5% of total amount of any restitution, costs and attorney's fees and any fines and related payments ordered if restitution is paid to the clerk of court for transfer to the appropriate person	To the clerk of court for administrative expenses if offender is not placed on probation or sentenced to prison

## APPENDIX IX

### Revenue Generated from Circuit Court Operations Remitted to State, by County in 2021-22

County	Fines and Forfeitures	Circuit Court Fees	Court Support Services Surcharge	Other Fees and Surcharges	Total
Adams	\$52,200	\$56,800	\$187,100	\$271,700	\$567,800
Ashland	28,800	48,400	109,600	171,200	358,000
Barron	73,900	114,700	216,900	437,800	843,300
Bayfield	44,900	51,600	160,100	219,000	475,600
Brown	361,500	564,200	1,267,700	2,126,400	4,319,800
Buffalo	23,600	33,800	99,600	156,600	313,600
Burnett	55,900	57,800	111,700	254,000	479,400
Calumet	57,700	109,000	175,300	407,900	749,900
Chippewa	159,300	167,700	442,000	727,500	1,496,500
Clark	61,500	85,600	209,200	338,900	695,200
Columbia	195,500	227,800	563,400	893,500	1,880,200
Crawford	61,700	38,900	102,300	172,900	375,800
Dane	529,100	423,300	1,772,700	2,487,600	5,212,700
Dodge	150,300	223,000	550,100	962,000	1,885,400
Door	71,300	83,000	196,100	342,500	692,900
Douglas	169,900	142,800	418,900	655,400	1,387,000
Dunn	217,300	157,600	489,900	706,100	1,570,900
Eau Claire	176,900	349,900	839,100	1,303,600	2,669,500
Florence	18,500	13,500	32,200	54,700	118,900
Fond du Lac	231,200	361,900	669,000	1,225,000	2,487,100
Forest	60,400	41,900	79,100	188,100	369,500
Grant	182,300	120,800	359,300	593,800	1,256,200
Green	31,100	86,200	273,800	381,300	772,400
Green Lake	28,200	69,700	101,000	246,900	445,800
Iowa	48,100	62,400	220,200	276,200	606,900
Iron	26,400	21,600	71,700	92,300	212,000
Jackson	122,200	89,900	295,800	360,000	867,900
Jefferson	212,600	294,600	615,400	1,050,500	2,173,100
Juneau	140,900	102,800	298,700	459,100	1,001,500
Kenosha	322,300	404,200	949,400	1,525,100	3,201,000
Kewaunee	204,700	51,200	136,200	294,000	686,100
La Crosse	151,100	186,300	428,400	733,400	1,499,200
Lafayette	57,000	54,600	151,700	240,000	503,300
Langlade	44,300	77,200	106,500	246,200	474,200
Lincoln	54,000	70,700	163,600	264,700	553,000
Manitowoc	158,300	177,200	357,100	750,900	1,443,500
Marathon	185,400	372,600	531,700	1,089,900	2,179,600
Marinette	80,600	86,000	219,400	373,400	759,400
Marquette	44,800	56,200	129,100	237,600	467,700
Menominee	5,500	7,700	20,600	29,900	63,700

**APPENDIX IX (continued)**

**Revenue Generated from Circuit Court Operations  
Remitted to State, by County in 2021-22**

County	Fines and Forfeitures	Circuit Court Fees	Court Support Services Surcharge	Other Fees and Surcharges	Total
Milwaukee	\$462,700	\$1,224,000	\$5,070,300	\$6,493,700	\$13,250,700
Monroe	296,100	197,200	521,900	711,700	1,726,900
Oconto	112,200	92,400	177,200	363,000	744,800
Oneida	112,200	98,700	244,300	465,600	920,800
Outagamie	257,800	390,700	917,900	1,509,400	3,075,800
Ozaukee	202,800	185,600	271,000	680,600	1,340,000
Pepin	19,400	15,900	40,400	74,300	150,000
Pierce	53,700	67,800	188,900	266,400	576,800
Polk	62,100	76,900	206,500	364,400	709,900
Portage	85,700	127,600	302,800	496,200	1,012,300
Price	45,200	42,000	104,200	171,600	363,000
Racine	448,900	629,200	1,467,300	2,538,600	5,084,000
Richland	22,900	32,800	121,500	182,200	359,400
Rock	416,400	364,000	1,151,700	1,764,400	3,696,500
Rusk	25,300	36,300	67,200	127,300	256,100
Sauk	295,600	199,500	441,400	809,700	1,746,200
Sawyer	180,000	217,100	641,600	996,500	2,035,200
Shawano	74,400	75,600	120,500	254,900	525,400
Sheboygan	216,500	156,500	352,600	638,500	1,364,100
St. Croix	183,000	302,600	561,900	1,111,700	2,159,200
Taylor	29,000	41,100	97,700	159,900	327,700
Trempealeau	59,300	65,300	179,800	263,400	567,800
Vernon	24,300	30,300	101,300	172,100	328,000
Vilas	54,900	57,700	116,600	243,000	472,200
Walworth	354,500	291,200	471,800	1,160,800	2,278,300
Washburn	66,400	49,600	119,500	198,100	433,600
Washington	190,900	244,900	399,900	919,800	1,755,500
Waukesha	389,300	477,600	1,023,500	2,080,100	3,970,500
Waupaca	121,200	140,500	299,200	559,200	1,120,100
Waushara	100,500	116,500	219,500	446,200	882,700
Winnebago	331,200	428,200	1,023,100	1,726,200	3,508,700
Wood	<u>186,600</u>	<u>258,200</u>	<u>297,600</u>	<u>864,700</u>	<u>1,607,100</u>
Grand Total	\$10,382,200	\$12,478,600	\$31,442,200	\$52,161,800	\$106,464,800

## APPENDIX X

### Revenue Generated from Circuit Court Operations Retained by Counties in 2021-22

County	Fines and Forfeitures	Circuit Court Fees	Other Fees & Surcharges	County Total
Adams	\$65,600	\$27,200	\$39,700	\$132,500
Ashland	34,900	17,300	24,700	76,900
Barron	121,500	40,600	72,600	234,700
Bayfield	110,600	24,100	43,500	178,200
Brown	551,600	230,300	334,300	1,116,200
Buffalo	64,500	14,600	35,500	114,600
Burnett	64,400	18,700	42,700	125,800
Calumet	89,100	32,000	63,400	184,500
Chippewa	174,100	69,600	138,000	381,700
Clark	119,700	31,000	68,300	219,000
Columbia	409,900	84,100	181,300	675,300
Crawford	59,000	15,800	30,100	104,900
Dane	602,500	312,200	461,800	1,376,500
Dodge	361,800	88,500	190,600	640,900
Door	109,300	31,400	74,200	214,900
Douglas	113,300	65,900	88,100	267,300
Dunn	238,700	68,600	129,800	437,100
Eau Claire	290,200	129,500	226,300	646,000
Florence	30,100	5,000	7,800	42,900
Fond du Lac	402,200	114,600	279,400	796,200
Forest	119,000	12,600	25,100	156,700
Grant	170,400	54,500	109,000	333,900
Green	128,900	40,300	80,000	249,200
Green Lake	69,200	18,500	36,700	124,400
Iowa	101,300	31,800	60,000	193,100
Iron	26,500	9,900	16,700	53,100
Jackson	165,500	40,300	60,800	266,600
Jefferson	405,500	97,900	162,000	665,400
Juneau	178,100	46,100	83,400	307,600
Kenosha	470,700	167,400	186,000	824,100
Kewaunee	102,500	20,100	43,100	165,700
La Crosse	169,200	79,900	134,600	383,700
Lafayette	89,200	22,400	56,700	168,300
Langlade	45,700	20,600	37,200	103,500
Lincoln	123,400	28,000	45,100	196,500
Manitowoc	222,500	65,400	116,400	404,300
Marathon	257,000	109,800	174,700	541,500
Marinette	132,000	37,900	59,200	229,100
Marquette	116,600	19,600	45,000	181,200
Menominee	12,500	3,100	4,300	19,900

**APPENDIX X (continued)**

**Revenue Generated from Circuit Court Operations  
Retained by Counties in 2021-22**

County	Fines and Forfeitures	Circuit Court Fees	Other Fees & Surcharges	County Total
Milwaukee	\$1,774,000	\$895,300	\$691,900	\$3,361,200
Monroe	305,100	76,000	117,000	498,100
Oconto	128,600	32,100	62,000	222,700
Oneida	199,900	39,800	99,800	339,500
Outagamie	268,400	164,000	241,000	673,400
Ozaukee	204,600	54,400	119,200	378,200
Pepin	22,700	6,300	14,000	43,000
Pierce	97,800	31,300	52,000	181,100
Polk	94,400	35,500	66,800	196,700
Portage	169,600	52,500	92,500	314,600
Price	53,800	15,900	32,700	102,400
Racine	1,228,400	239,300	365,900	1,833,600
Richland	50,800	18,300	40,300	109,400
Rock	419,900	180,900	270,800	871,600
Rusk	39,600	12,000	19,200	70,800
Sauk	217,600	76,300	127,000	420,900
Sawyer	274,100	95,900	185,100	555,100
Shawano	74,000	21,500	39,000	134,500
Sheboygan	264,300	54,300	87,400	406,000
St. Croix	332,300	101,800	162,600	596,700
Taylor	47,500	15,600	26,100	89,200
Trempealeau	79,400	28,500	49,300	157,200
Vernon	56,000	18,000	36,900	110,900
Vilas	83,300	19,600	49,100	152,000
Walworth	392,100	92,700	162,400	647,200
Washburn	64,100	18,300	41,800	124,200
Washington	289,100	81,100	180,300	550,500
Waukesha	447,300	203,700	329,800	980,800
Waupaca	203,600	51,000	108,500	363,100
Waushara	140,100	34,300	72,400	246,800
Winnebago	410,700	174,100	303,100	887,900
Wood	<u>217,500</u>	<u>62,500</u>	<u>108,300</u>	<u>388,300</u>
Grand Total	\$15,769,300	\$5,349,900	\$8,422,300	\$29,541,500